

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE ESTATE OF WILLIAM SCALES,<sup>1</sup>

Plaintiff,

-against-

ATU LOCAL 1181,

Defendant.

23-CV-9009 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 2, 2024, the Court directed Plaintiff to file an amended complaint within 60 days. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). The Court declines to exercise supplemental jurisdiction of any state law claims Plaintiff may be asserting. *See* 28 U.S.C. § 1367(c)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

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<sup>1</sup> The complaint lists “The Estate of William Scales” as the plaintiff. The complaint, however, is signed by William Scales, who is a frequent litigant in this court. Because it is clear that the complaint was filed by Scales on his own behalf, the Court treats Scales as the sole plaintiff in this action.

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: March 15, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge